

In Re:	Case No.:	19-25392 (RG)
Elaina Liva	Chapter:	<u>7</u>
	Judge:	<u>Gambardella</u>

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**NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY**

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Steven P. Kartzman, Chapter 7 Trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

**Address of the Clerk:** Jeanne A. Naughton, Clerk  
Martin Luther King Jr. Federal Building  
50 Walnut Street  
Newark, New Jersey 07102

If an objection is filed, a hearing will be held before the Honorable Rosemary Gambardella on February 28, 2023 at 10:00 a.m. at the United States Bankruptcy Court, courtroom no. 3E, 50 Walnut Street, Newark, New Jersey (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

**Nature of action:** The Court entered a Consent Order on 1/2/2020 resolving the Debtor's claim of exemption for alimony and support owed to the Debtor that was being pursued by the Bankruptcy Estate. The Debtor's exemption amount was 80% of any amount recovered by the estate, after payment of the costs of collection. [Dkt. No. 36]. On 7/13/2021, the Court entered a Consent Order resolving the Restitution Lien held by the USA relating to alimony recovered by the Estate. [Dkt. No. 112]. The USA was to receive 25% of the Bankruptcy Estate's 20% recovery and all of the Debtor's recovery to partially satisfy its Restitution Lien less the sum of \$48,878.80 which was to be paid to the Debtor. After fees, costs, and expenses, the net proceeds from the recovery of alimony and support totaled \$209,237.47.

**Pertinent terms of settlement:** Document Page 2 of 2

Pursuant to the Consent Orders the USA shall receive \$118,511.18 of the total net proceeds from the recovery of alimony on account of the Debtor's 80% exemption of the net recovery, plus \$10,461.87 representing 25% of the 20% to be retained by the estate, calculated as follows:

\$422,008.01	Gross Recovery Florida Probate Estate
(\$50,000.00)	Florida Probate Estate Admin.
(\$55,000.00)	Beneficiary
\$317,008.01	Bankruptcy Estate Received
(\$25,415.00)	Collection Costs (Stearns Weaver)
(\$542.34)	Stearns Weaver Expenses
(\$52,713.50)	Mellinger Kartzman Fees – Florida Only
(\$102.40)	Mellinger Kartzman Expenses
(\$3,638.30)	WithumSmith + Brown, PC – Accountants
(\$8,703.00)	New Jersey State Taxes
(\$16,656.00)	Trustee Commission
\$209,237.47	<b>NET PROCEEDS</b>
\$209,237.47	Net Proceeds
x .20	Bankruptcy Estate
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\$41,847.49	Less 25% or \$10,461.87 USA
\$209,237.47	Net Proceeds
x .80	USA
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\$167,389.98	
(\$48,878.80)	Less Debtor's Exemption
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\$118,511.18	To USA

Objections must be served on, and requests for additional information directed to:

Name: Steven A. Jayson, Esq.

Address: 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey 07950

Telephone No.: 973-267-0220